IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22220 of 2004

Between:

M/s. Jayasree Enterprises, Rep. by its Proprietor, K. Radha Krishna, S/o. Nasaraiah, Aged about 42 Years, R/o. D.No.3/837, T.R. Nagar, Stone Housepet, Nellore.

... PETITIONER

AND

1 The Commissioner, Endowments Department,
Tilak Road, Hyderabad.
2 The Executive Officer, Srisaila Bramaramba Mallikarjuna Swamy Devasthanam, Srisailam, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not paying the Bill amount pursuant to the proceedings Rc.No.E3/302/2003, dated. 17-02-2003 as illegal, arbitrary, irrational and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents to make payments of balance amount to a tune of Rs.1,06,494/- with interest.

Counsel for the Petitioner: MR.S.LAKSHMINARAYANA REDDY

Counsel for the Respondent NO.1:G.P. FOR ENDOWMENTS Counsel for the Respondent No.2: MR.V.VENUGOPALA RAO, STANDING COUNSEL

The Court at the admission stage made the following :

O R D E R:

The petitioner emerged as the successful bidder in pursuance of a tender issued by Sri Bramaramba Mallikarjuna Swamy Devasthanam, Srisailam, Kurnool District, on 8.01.2003, for supply of material used in water supply schemes. Pursuant to the same, material worth Rs.2,64,214/- is said to have been purchased from the petitioner. Out of the same, a sum of Rs.1,64,200/- is said to have been paid. As regards the balance, the Devasthanam submitted a proposal, through R.C.No.E3/302/2003, dated 20.08.2003, to the first respondent for approval. The petitioner contends that no action has been taken so far, and he seeks an appropriate direction in this regard.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and learned standing counsel for the Devasthanam.

A reading of the copies of various proceedings, in relation to the contract entered into between the Devasthanam and the petitioner, discloses that material worth Rs.2,64,214/- was already purchased from the petitioner, based on the rates offered by him in the bids. The petitioner states that a sum of Rs.1,64,000/- was paid to him, and about Rs.1,00,000/- is still remained unpaid. The Devasthanam has already addressed proceedings dated 20.08.2003, seeking ratification of the action taken by the Executive Officer. Such ratification appears to have been sought, having regard to the amount involved. More than one year has elapsed after the proposal for ratification was submitted. The matter cannot be kept pending indefinitely.

Hence, the first respondent is directed to pass appropriate orders within 4 weeks from the date of receipt of this order, on the proposal submitted by the second respondent, through their proceedings dated 20.08.2003, for ratification of the action taken in the matter of purchase of material from the petitioner. Depending on the nature of orders that may be passed by the first respondent, the second respondent shall take further action without any further delay.

Writ petition is accordingly disposed of. There shall be no order as to costs.

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8th December, 2004

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To

1 The Commissioner, Endowments Department,
Tilak Road, Hyderabad.
2 The Executive Officer, Srisaila Bramaramba Mallikarjuna Swamy Devasthanam, Srisailam, Kurnool District.

3. Two C.Cs to the Govt.Pleader for Endowments,

High Court buildings, Hyderabad (OUT).

4 Two CD copies